

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: L. Paskar

GROUP ART UNIT: N/Y/A

SERIAL NO.: N/Y/A

EXAMINER: M. Bockelman

FILED:

DOCKET NO.: 39868/24659

FOR: Shapeable Catheter

**Declaration of James F. Benenati, M.D.**

1. I am an interventional radiologist, licensed to practice in the states of Florida, Indiana (inactive) and Maryland (inactive). I received my M.D. degree in 1984 from the University of South Florida College of Medicine, in Tampa, Florida. I was a resident in radiology from 1984-88 at Indiana University Medical Center, in Indianapolis, Indiana, and completed my fellowship in 1989 at the Department of Radiology of The Johns Hopkins Medical Institution, in Baltimore, Maryland. I am currently Voluntary Professor of Radiology at the University of Miami School of Medicine, in Miami, Florida. I am also Medical Director, peripheral Vascular Laboratory, and Program Director, Vascular/Interventional Radiology Fellowship, at the Miami Cardiac & Vascular Institute of Baptist Hospital of Miami, Florida. My resumé is attached as Exhibit 1 to this declaration.

2. I am familiar with medical procedures, including the following procedures listed in the patent disclosure<sup>1</sup> of Larry Paskar, M.D.:

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<sup>1</sup> My identification of these procedures is based upon their disclosure in U.S. Patent 5,304,131.

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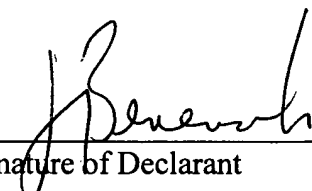
Selective cerebral artery catheterization procedures  
Selective visceral artery catheterization procedures  
Selective intracerebral artery catheterization procedures  
Selective arterial angioplasty catheterization procedures  
Selective venous catheterization procedures  
Percutaneous cholangiography procedures  
Percutaneous nephrostomy procedures

3. Based upon my experience, these procedures are routinely performed under fluoroscopic examination, and any one of any skill trained in these procedures would know that they are performed under fluoroscopic examination.

4. The disclosure of the various procedures in the Paskar patent disclosure would inherently disclose to one having at least ordinary level of skill in the art that these procedures are performed under fluoroscopic examination.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize that validity of the application or any patent issued thereon.

Date: 3/14/01

  
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Signature of Declarant